



MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

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DATE: September 20, 2001
TO: Legislative Finance Committee
FROM: Legislative Staff
RE: HJR 1 Study Plan

INTRODUCTION

The following outline summarizes the study plan to implement House Joint Resolution 1 (HJR 1) that was reviewed, modified and adopted by the interim committee studying the public mental health system. The outline is a guide for the study committee to review an area of public mental health services, provide oversight of executive branch activities related to public mental health, identify issues and options, and make final recommendations to the Legislative Finance Committee (LFC).

The study plan includes several types of information. First the goals of the study plan are listed, so that you know what guided the development of the plan. Second, the study plan is laid out in a series of proposed agendas for five meetings. The goals for each meeting are listed first so that you can determine what is intended to be accomplished. The meeting agendas are divided into blocks of time (morning and afternoon). Each topic to be discussed is listed along with potential presenters. The questions that should be answered for each topic are listed below the topic. This format can be easily changed to allow for goals, topics, questions and information that the study committee may wish to add or delete.

The final section of this document lists oversight topics. The committee has requested that appropriate executive agencies and legislative staff provide written information prior to each meeting so that the most important oversight issues can be reviewed at each meeting. The draft meeting agendas allow for 1 to 1.5 hours of time for oversight. Last interim, oversight topics consumed much of the study committee time. Staff suggested that the committee prioritize oversight topics and then select the most important ones that it would hear at each meeting. The oversight topics can be reprioritized throughout the study to address emerging issues.

GOALS THAT GUIDED DEVELOPMENT OF THE DRAFT STUDY PLAN

- ?? Meet the directives of HJR 1
- ?? Identify an area of study that:
 - o Is important to the mental health system and “do-able” within the study time frame

- Will compliment but not duplicate what other players are considering
 - Will identify potential changes to mental health services that are compatible with any new regional system and managed care design
 - Will provide meaningful recommendations to the LFC to forward to the 2003 legislature
- ?? Provide new committee members the education and background that continuing members received during the last interim

MEETING GOALS, AGENDAS, TOPICS

GOALS OF MEETING

First meeting held September 17 and 18 (1.5 days)

- ?? Adopt a study plan, including tentative meeting dates and standing agenda items related to oversight function, including the types of information desired
- ?? Gain an historical perspective of the mental health system, including legislation passed by the 2001 legislature
- ?? Learn about other groups' activities that are germane to public mental health services: Mental Health Oversight Advisory Council (MHOAC); SB 454 work group for children's services; outcomes work group; Olmstead work group; SJR 5 – veterans' issues subcommittee
- ?? Learn about mental illness in adults and serious emotional disturbance in children
- ?? Learn about the current state service system and funding and how adults and children enter into the public mental health system
- ?? Learn about a recent Montana Supreme Court case concerning effective legal representation for mental health commitments and potential impacts of the decision
- ?? Identify potential issues for further study/recommendation to 2003 legislature that may arise during the meeting

MEETING AGENDA

September 17 - afternoon

- ?? Introduction and welcome - Chairman Keenan
- ?? Election of vice chairman – Representative Price
- ?? Review HJR 1 - Chairman Keenan and legislative staff
 - ? What does HJR 1 require
- ?? Mental health primer
 - ? What is a serious emotional disturbance (SED) in children
 - ? What is mental illness in adults
 - ? What is the difference between a personality disorder and mental illness
 - ? How frequently do persons with a mental illness also have a chemical dependency problem or other co-occurring diagnosis

- ?? Recent history of the mental health system starting just prior to the statewide managed care contract through legislation passed by 2001 legislature (Director Chuck Swysgood and Dan Anderson and Susan Fox and Lois Steinbeck)
 - ? What are the major forces that shaped the current mental health system
 - ? What does the mental health legislation passed by the 2001 legislature require

September 18 - morning

- ?? The current public mental health service system
 - ? How do adults and children enter the system and progress through it
 - ? How do they access services and how are services funded
 - ? What agency/level of government funds services
- ?? Panel discussion of recent Montana Supreme Court decision regarding effective legal representation during mental health commitment hearing
 - ? What are the implications of the decision for counties, public defenders, Montana State Hospital population, district court reimbursement
 - ? Are there potential statutory changes that the study committee could consider during its review

September 18 - afternoon

- ?? Discussion of roles and responsibilities of: HJR 1; Mental Health Oversight Advisory Council (MHOAC); SJR 5; SB 454 working group; outcomes work group – Senator Keenan, Sheri Heffelfinger
 - ? What other entities are involved in shaping/studying the current mental health system and what specifically is each entity hoping to accomplish
- ?? Presentation and discussion of draft study plan, including standing oversight topics to be covered each meeting (see final section to view proposed oversight topics)
- ?? Public testimony to the study committee (1.5 hours)
 - ? What are important areas of concern for stakeholders
 - ? What comments do stakeholders have regarding proposed study plan
- ?? Committee discussion and adoption of study plan and standing agenda items, including oversight topics and option for public testimony at each or specific meetings (1 hour)
- ?? Establish tentative meeting dates
- ?? Direction to staff

GOALS OF MEETING

Second meeting (1 day – proposed date November 28)

- ?? Understand funding of state mental health services and how funding impacts service delivery and access to services
- ?? Understand federal veterans' mental health services: how vets enter system; most common diagnosis; access to services; impact to and intersection with state mental health system; state legislative options to impact federal veterans' mental health services

- ?? Identify issues related to veterans' mental health services
- ?? Identify potential issues for further study/recommendation to 2003 legislature
- ?? Optional site visit for mental health services "in the field" November 27 – visit St. Peter's Hospital support unit; visit Golden Mental Health Triangle Community Mental Health Center; visit Fort Harrison

PROPOSED MEETING AGENDA

November 28 morning

- ?? Funding state mental health services (1.5 hours - Lois Steinbeck)
 - ? What are the funding sources for public mental health services
 - ? What is the eligibility criteria for services
 - ? How does funding affect access to services, the types of services offered, and eligibility
 - ? What can a state do to make federal funding more flexible, including ways to differentiate referrals from probation and/or courts to community services or treatment programs in order to qualify Medicaid eligible persons who would otherwise be ineligible because mental health services are being provided in a correctional setting
 - ? What options exist for expanding use of federal funds for mental health services – either to offset general fund costs or minimize general fund costs if services are expanded
 - ? What are the differences between the definitions of SED as used in the mental health system and emotional disturbance (ED) as used in the education system and how does it impact the mental health system
- ?? Oversight issues (1.5 hours)
 - ? Specific topic of interagency coordination of children's mental health services to be reviewed
 - ? Specific question regarding the licensed capacity of MSH, penalties for exceeding licensed capacity and DPHHS plans if MSH population exceeds the capacity

November 28 afternoon

- ?? Review basic issues related to veterans' mental health needs and services provided by the federal Veteran's Administration (VA) (2 hours - Sheri Heffelfinger; potential panel presentation)
 - ? What is the most common diagnosis for veterans with mental health services - Post Traumatic Stress Disorder (PTSD)
 - ? How do veterans enter the federal VA system and access services
 - ? What is the structure and financing of mental health services available to veterans
 - ? Who are the players VA, state DPHHS, local private providers
 - ? How does the VA provide services to persons with a dual diagnosis of chemical dependency and mental illness

- ? Are there cost shifts to the state and counties for services that should be provided by the VA
- ? What can be done by the state to influence the federal VA system with regard to mental health services
- ? Could training related to VA services be provided as part of the mental health services training funded by the 2001 legislature
- ?? Public testimony (1hour)
- ?? Identification of issues related to veterans – committee discussion (Sheri Heffelfinger) (1/2 hour)
- ?? Direction to staff

GOALS OF MEETING

Third meeting (2 days – February 7 and 8) meet in Helena first day /Warm Springs second day

- ?? Understand the difference between sentencing of forensic patients at the state hospital and of prisoners
- ?? Review the services provided by the state hospital, pricing of services, and revenue generated by the state hospital and the nursing care center
- ?? Understand the mental health needs of state prisoners and services provided, including assessment of mental health issues on admission to correctional facility
- ?? Review the relationship between the prison and state hospital for services and potential reimbursement options
- ?? Review discharge planning, development of mental health community service treatment plan, and follow up when person is placed in community from state hospital or prison
- ?? How are community mental health services funded for persons released from prison
- ?? Review coordination of services for persons who are both chemically dependent and mentally ill
- ?? Review use of commitment to community services in lieu of hospitalization and issue of involuntary administration of medications in a community setting
- ?? Identify issues for further analysis including (potentially): alternatives to state hospital commitment and for DPHHS director when a person has reached maximum benefit of hospitalization; identify gaps in discharge and service receipt processes

February 7 morning (Helena)

- ?? Review types of commitments to MSH, types of services provided, funding (2.5 hours)
 - ? What are the various types of commitments to MSH, including difference between sentencing of persons to prison versus state hospital
 - ? What is the difference between sentencing options for persons sentenced to MSH and the frequency at which their sentences are reviewed, according to statute and through verification of MSH procedures and practices
 - ? What options does Department of Public Health and Human Services (DPHHS) director have once a forensic patient has achieved maximum benefit at MSH
 - ? What is the origin of patients (county, department, Indian Health Services, private pay), number of forensic patients, number from prison, number of veterans, number of emergency admissions, average length of stay and readmissions

- ? What kind of reimbursement options could be considered for prisoners who receive services at MSH
- ? What is the discharge process from MSH to community mental health services
- ? What staff at MSH develops mental health community service plan and how are community service providers involved
- ? What preparation is there for patients to move to community mental health services
- ? Is there follow up after discharge, if so what is the process and who is responsible
- ? What is the potential for pricing variations for different services and different users; review revenue and MSH self sufficiency
- ? How will MSH and nursing care center be integrated into the proposed regional mental health system
- ? What is the level of Medicaid and Medicare revenue generated at MSH and the nursing care center compared to estimates presented to the appropriation subcommittee
- ?? Oversight items (1 hour)

February 7 afternoon (Helena)

- ?? Review mental health service needs for prisoners (Lorene Thorson and/or invited speakers– 2.5 hours)
 - ? How many prisoners could one expect to need mental health services based on national statistics and what are the most frequently occurring diagnoses
 - ? How many receive services in Montana State Prison (MSP) and what are the most frequently occurring diagnoses
 - ? What procedures does MSP follow when a new prisoner arrives to determine if the prisoner needs mental health services or medications
 - ? What mental health related information accompanies prisoners when they are initially admitted to MSP, what entity provides the information, and what is done with the information
 - ? How does MSP determine that a prisoner not previously needing mental health services now needs services
 - ? What is the discharge process from prison to community mental health services
 - ? What staff at MSP develops mental health community service plan and how are community service providers involved
 - ? What preparation is there for prisoners to move to community mental health services
 - ? Is there follow up after discharge, if so what is the process and who is responsible
 - ? How are mental health services funded for prisoners
 - ? How do we eliminate barriers to funding mental health services with federal funds such as Medicaid in the corrections system and how long can Medicaid funding continue once a Medicaid eligible person enters the correction system
 - ? What are other funding options for mental health services in the corrections system
 - ? What services are provided by MSP and local jails
 - ? Do prisoners who need mental health services maintain, improve or worsen
 - ? What is the negotiated settlement regarding provision of health services by Department of Corrections and is the department implementing the settlement
- ?? Public testimony (1 hour)

February 8 morning (Montana State Hospital)

- ?? Review use and outcomes (if any) from new community commitment legislation (1.5 hours)
 - ? What is a “community commitment”
 - ? What does current research say about community commitments
 - ? What are the civil rights and due process issues related to involuntary administration of medications
 - ? What do other states do regarding community commitments
- ?? Review evaluation of PACT program (1 hour)
 - ? What have been the outcomes of the PACT programs
 - ? Will or should other programs be developed
 - ? What are the appropriate client groups for admission to PACT
 - ? What other types of community programs could or are being developed to serve persons not appropriate for PACT
- ?? Review services for persons with both a chemical dependency and mental illness (1 hour)
 - ? Review discussion/appropriation issues from 2001 session
 - ? What processes has DPHHS established; how many persons are being served; how many providers are participating and where are the programs in Montana
 - ? How are services funded and what is expected cost of service and cost per recipient
 - ? How are outcomes measured

February 8 afternoon (MSH)

- ?? What is the mission of Montana State Hospital (MSH) and how do its programs fulfill the mission (2 hours)
 - ? Tour state hospital
 - ? What services are provided by state hospital
 - ? Review implementation of some of the legislation that didn’t pass that affects the state hospital and that the department said it could accomplish anyway - variable rates for evaluations and emergency detention, Butte/Silver Bow and Deer Lodge Counties relations)
- ?? Identify issues to be considered in issues/options phase (1.5 hours)
- ?? Direction to staff

GOALS OF MEETING

May 14 proposed meeting (1 day)

- ?? Understand types of risk sharing agreements that are used in managed care contracts, including potential for local providers to absorb such risk and how financial solvency is determined
- ?? Review preliminary mental health budget for the 2005 biennium
- ?? Review regional mental health system plan
- ?? Review issues and options identified in previous meetings

- ?? Select issues and options to be included in final report and decide whether to recommend statutory changes to the LFC for consideration by 2003 legislature

May 14 morning

- ?? Risk sharing in the new regional mental health system (Lois Steinbeck 1 hour)
 - ? What are the different types of risk sharing in a managed care environment
 - ? What types of risk sharing could be or are proposed to be used in the proposed regional mental health system
 - ? Are local providers able to absorb the financial risk in such agreements
 - ? What type of oversight or review of financial solvency is required by statute prior to finalizing risk sharing contracts
- ?? Review preliminary executive budget request for public mental health services for the 2005 biennium/regional mental health plan (1 hour)
- ?? Review issues identified in first three meetings and staff analysis of the options (2 hour)
 - ? What are the pros and cons of each option

May 14 afternoon

- ?? Public testimony - pros and cons on options from various stakeholders (1.5 hour)
- ?? Executive session to select options, develop recommendations, direct staff to prepare draft legislation and study report for review at final meeting (2 hours)
- ?? Oversight items (1/2 hour)
- ?? Direction to staff

GOAL OF MEETING

Fifth (final) meeting (1 day – no tentative date)

- ?? Adopt final recommendations to LFC

Morning and afternoon

- ?? Review draft legislation and final report (2 hours)
- ?? Public testimony (2 hours)
- ?? Adopt study committee recommendations to the LFC (2 hours)
- ?? Oversight issues (1.5 hours)
- ?? Direction to staff

Oversight Topics

The following topics fulfill the statutory requirement that DPHHS report to the LFC its response to recommendations made by MHOAC and requirements in HJR 1 to review: emergent issues with respect to mental health services; development of effective and appropriate community services; and children's mental health services issues. The HJR 1 committee decided to request written information on the first four topics to be provided in meeting materials mailed to

members in advance of meetings. Members would then review the information and work with the chairman at each meeting to identify what topics would be further discussed. Oversight topics include:

- ?? MHOAC report: recommendations given to DPHHS and official DPHHS response to the recommendation
- ?? SB 454 work group: number of children in out of state mental health services by month starting in January 2001 and by responsible agency; number of children waiting for services by type of service; timeline for milestones to be accomplished and report of current activities
- ?? Mental health services appropriation compared to projected expenditures including average number of persons and average cost of each person served by service type for both adults and children for Medicaid funded services and for Mental Health Services Plan (MHSP) funded services and for Children's Basic Mental Health Services and the appropriations and projected costs for state mental health institutions
- ?? Monthly average daily population at both the state hospital and nursing care center
- ?? Number of persons on waiting list for MHSP and Children's Health Insurance Plan (CHIP)
- ?? Report from the Mental Health Services Ombudsman
- ?? Other oversight topics that may be included in appropriate topic areas during committee meetings:
 - Follow up on legislation passed by 2001 legislature to see how it is implemented (law enforcement training, video hearings, community commitments, youth services, HB 2 language)
 - Review development and administration of regional mental health structure and services
 - Review Olmstead plan
 - Review needs assessment performed by Dr. Lourie (may be one-time or could be a meeting topic)